IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 1899 OF 2007

Office Notes, Office Memorandum of Coram appearances, Court's orders or directions and Registrar's orders :	: : : :	Court's or Judge's orders

Mr. Ram Mani Upadhyay
advocate, for petitioner.

Mr. A. S. Gadkari APP for respondent State.

CORAM : R.M.S. KHANDEPARKAR
AND
Mrs. V.K. TAHILRAMANI, JJ.

DATE : NOVEMBER 1, 2007.

P.C.

. Heard. By the present petition, petitioner is seeking to quash FIR in C.R. No. 95 of 2007 lodged of RCF Police Station on the ground that the amount claimed by the petitioner/complainant has already been paid by the accused persons and on that ground the grievance of the petitioner no more survives. Hence, petitioner is not desirous of continuing with proceeding against the respondent. It is further case of the petitioner that though the complaint was

lodged in relation to offence punishable under S. 420, 406, 465, 467, 467 read with S. 34 of I.P.C. Since the amounts due and payable have already been paid to the petitioner, no purpose would be served by merely proceeding against the respondent No.2 and punishing them. In these circumstances, the petitioner has also volunteered to pay Rs.18,030/- being the amount equivalent to the court fee amount, in case the petitioner would have been required to file a suit for recovery of Rs.6,75,000/- which has already been paid by the accused person to the petitioner pursuant to the said complaint.

2. While accepting the amount of Rs.18,030/- voluntarily sought to be paid by the petitioner being amount equivalent to court fee payable to the government, in case petitioners were to file suit for recovery of amount of Rs. 6,75,000/- which is the amount the petitioners admittedly claimed to have recovered consequent to the lodging of FIR. As is rightly submitted by the advocate appearing for petitioner that since the petitioner's amount is recovered, no purpose

would be served in allowing the investigation in the matter. In the circumstances, while permitting the petitioner to deposit the said amount of Rs. 18,030/- in the registry to be paid to the government, the petition is allowed in terms of prayer (i) and the impugned FIR is hereby quashed.

3. The deposits have to be made today itself and on deposit thereof, the same shall be credited to the account of Govt. of State of Maharashtra. Petition is thus, disposed of.

4. This shall not preclude the investigating agency to investigate into other offence, if any, brought to the notice of investigating agency either discloses involvement of the accused herein or any other person in any offence or crime.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[Smt. V. K. TAHILRAMANI,J.]